

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

| | | |
|---------------------------|---|------------------------|
| Kanisha Dianne Pruitt, |) | C/A No.: 6:06-cr-809-1 |
| |) | |
| Defendant, |) | |
| v. |) | |
| |) | |
| United States of America, |) | ORDER |
| |) | (Written Opinion) |
| |) | |
| _____ |) | |

This matter comes before the Court on the defendant's *pro se* motion for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission (the Commission) pursuant to 28 U.S.C. § 994(u).

Defendant brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The defendant's motion is based on Amendment 706 to U.S.S.G. § 2D1.1(c). This amendment adjusts the base offense level assigned to each threshold quantity of cocaine base, or "crack cocaine," downward by two levels. U.S.S.G. App. C, Amend. 706 (Nov. 1, 2007). On December 11, 2007, the Commission voted to add this

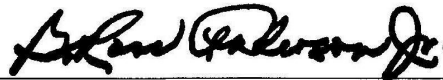
amendment to the list of amendments in U.S.S.G. § 1B1.10(c) that may be applied retroactively. As this amendment became effective on March 3, 2008, this matter is now ready for disposition.

After reviewing the defendant's file and presentence report, the Court finds that Defendant is not eligible for a sentence reduction. Defendant was sentenced for her involvement with powder cocaine, not crack cocaine. Therefore, the Court DENIES the defendant's motion for a reduction of her sentence.

IT IS THEREFORE ORDERED that Defendant's motion is DENIED.

IT IS FURTHER ORDERED that all other outstanding motions are dismissed as MOOT.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

March 6, 2008
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Defendant has the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**